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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/584,850	Applicant(s) MATSUZAKI ET AL
	Examiner DHAIKYA A. PATEL	Art Unit 2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No./Mail Date 6/28/2006
- 4) Interview Summary (PTO-413)
 Paper No./Mail Date, _____.
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. Application 10/584,850 was filed on 6/28/2006. Claims 1-17 are subject to examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/28/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 16, it states "A registration program used in a server which registers....comprising the steps of:". The claim is deemed indefinite, because it states having "a registration program" i.e. software/program claim, but it is "comprising the steps of:". How can a program/software claim can "comprise steps of" as claimed in the claim language?. If the applicant wants to treat this claim as a program/software claim, applicant needs to amend the claim language to "comprising: a code for measuring...a code for measuring...a code for transmitting....". If the applicant wants to treat this claim as a method claim, then applicant needs to amend the claim language to "a method which registers....".

Art Unit: 2451

For examination purposes, Examiner is interpreting the claims as software/program claim.

As per claim 17, it states "A recording medium which is computer-readable and has recorded thereon....the registration program comprising the steps of:...".

The claim is deemed indefinite, because it states the claim is "a recording medium" claim, and then it claims "the registration program comprising the steps of:.. How can the claim be "recording medium" claim, and also be "a software/program claim comprising the steps of?.. If the applicant wants to treat this claim as "a recording medium" claim, the applicant needs to amend the claim language by deleting, "the registration program comprising the steps of" .. If the applicant wants to treat this claim as a program/software claim, applicant needs to amend the claim language to "comprising: a code for measuring...a code for measuring...a code for transmitting..." and also amend the preamble by deleting "a recording medium which is computer-readable and has recorded thereon".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16, 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 16, it states "a registration program used in a server....". Examiner is interpreting the claim as a software/program claim, therefore it includes "measuring, using a measuring unit...measuring using a elapsed time

Art Unit: 2451

measuring unit" which can be software units. Therefore, the claim is software per se claim. Furthermore, the specification of the current application does not specify that these are hardware/software units. Therefore, one of ordinary skill in the art at the time of applicant's invention was made can interprets these units as software units. Therefore, the claimed subject matter as a whole fails to fall within the definition of a process, machine, manufacture or composition of matter, patentable eligible category subject matter.

As per claim 17, it states "A recording medium which is computer-readable and has recorded thereon...." The claim is drawn to "computer readable medium". The specification of the current application in paragraph 68, 70 states that "the present invention may be carried out by another independent system...the programs or digital signals which have been recorded on the recording media or by transferring the program or digital signals via the network etc.". Therefore recording medium in the claim can include digital signals which are deemed non-statutory subject matter. Therefore, the claim as whole covers both transitory and non-transitory media. A transitory medium does not fall into any of the 4 categories of invention (process, machine, manufacture or composition of matter).

As per claim 17, it states "the registration program comprising the steps of: " which means the claim is claiming a registration program, which includes "measuring, using a measuring unit...measuring using a elapsed time measuring unit" which can be software units. Therefore, the claim is software per se claim. Furthermore, the specification of the current application does not specify that

Art Unit: 2451

these are hardware/software units. Therefore, one of ordinary skill in the art at the time of applicant's invention was made can interprets these units as software units. Therefore, the claimed subject matter as a whole fails to fall within the definition of a process, machine, manufacture or composition of matter, patentable eligible category subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmeide et al. U.S. Patent Publication # 2003/0142696 (hereinafter Holmeide) in view of Henry et al. U.S. Patent # 7,093,030 (hereinafter Henry) in view of Shuey et al. U.S. Patent Publication # 2004/0001008 (hereinafter Shuey)

As per claim 1, Holmeide teaches a server for registering a terminal apparatus if a communication time between the server (Fig. 1a server) and the terminal apparatus (client) is less than or equal to a reference value, and providing content to the registered terminal apparatus, comprising:

- a measuring unit operable to measure the communication time, being a time period from transmitting measuring information to an terminal apparatus

Art Unit: 2451

until receiving response information from the terminal apparatus (Paragraph 35, 39, 44)

an elapsed-time measuring unit operable to measure an elapsed time from when the measuring unit first begins measuring the communication time (Paragraph 35, 39)

Holmeide does not teach unregistered terminal, repeat the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value and a transmission unit operable, while the transmission, the reception, and the measurement are being repeated, to transmit, to the unregistered terminal apparatus, status notification information showing a processing status.

Henry teaches a measuring unit operable to measure the communication time, being a time period from transmitting measuring information to an unregistered terminal apparatus until receiving response information from the unregistered terminal apparatus (column 8 lines 58-67)(column 9 lines 1-3) and repeat the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value (column 9 lines 3-16)(column 4 lines 51-63);

an elapsed-time measuring unit operable to measure an elapsed time from when the measuring unit first begins measuring the communication time (column 8 lines 66-67)(column 9 lines 1-3); and

a transmission unit operable, while the transmission, the reception, and the measurement are being repeated, to transmit, to the unregistered terminal

Art Unit: 2451

apparatus (column 9 lines 3-16), status notification information showing a processing status (i.e. changing "wait-local-DCHP offer state" or "changes to wait-host-DHCP request state") which depends on the elapsed time (i.e. reset the monitoring counter to zero)(column 9 lines 19-25)(column 10 lines 1-3).

It would have been obvious to one of ordinary skill in the art to implement Henry's teaching in Holmeide's teaching to come up with having repeating the transmission, the reception and the measurement until the measured communication time is less than or equal to the reference value. The motivation for doing so would be to register only certain type of client have meet the minimum communication time/speed, therefore communicating w/ that particular will go smoothly.

Henry states registration request for the client (which means the client is unregistered) but does not explicitly use the word "unregistered terminal".

Shuey teaches unregistered terminal(i.e. unregistered meter) (paragraph 43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Shuey's teaching in Holmeide and Henry's teaching to come up with unregistered terminal. The motivation for doing so would be to register the terminal/meter, if the terminal RSSI value is above threshold value.

As per claim 2, Holmeide, Henry and Shuey teaches the server of claim 1, but wherein the transmission unit includes: a storage subunit operable to store a plurality of messages showing a processing status which depends on an elapsed time, the messages being in one to one correspondence with elapsed times

Art Unit: 2451

(Paragraph 39); a selection subunit operable to select from the storage subunit a message which corresponds to the measured elapsed time (Paragraph 35, 41, 42); and a transmission subunit operable to transmit the selected message to the terminal apparatus as the status notification information (Paragraph 42)

Holmeide does not explicitly use the word "unregistered terminal".

Shuey teaches unregistered terminal(i.e. unregistered meter) (paragraph 43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Shuey's teaching in Holmeide and Henry's teaching to come up with unregistered terminal. The motivation for doing so would be to register the terminal/meter, if the terminal RSSI value is above threshold value.

As per claim 3, Holmeide, Henry and Shuey teaches the server of claim 1, but Holmeide further teaches wherein the transmission unit includes: a storage subunit operable to store pieces of identification information corresponding to messages held in the unregistered terminal apparatus, the pieces of identification information being in one to one correspondence with elapsed times (Paragraph 39, 51); a selection subunit operable to select a piece of identification information which corresponds to the measured elapsed time (Paragraph 35, 41, 42); and a transmission subunit operable to transmit the selected piece of identification information, and the selected piece of identification information is the status notification information (Paragraph 39,42, 51)

Holmeide does not explicitly use the word "unregistered terminal".

Art Unit: 2451

Shuey teaches unregistered terminal(i.e. unregistered meter) (paragraph 43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Shuey's teaching in Holmeide and Henry's teaching to come up with unregistered terminal. The motivation for doing so would be to register the terminal/meter, if the terminal RSSI value is above threshold value.

As per claim 4, Holmeide, Henry and Shuey teaches the server of claim 1, but Henry wherein the status notification information is one of a plurality of elapsed times which are in one to one correspondence with a plurality of messages held in the terminal apparatus (column 10 lines 1-5, lines 20-30).

Henry does not explicitly use the word "unregistered terminal".

Shuey teaches unregistered terminal(i.e. unregistered meter) (paragraph 43). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Shuey's teaching in Holmeide and Henry's teaching to come up with unregistered terminal. The motivation for doing so would be to register the terminal/meter, if the terminal RSSI value is above threshold value.

As per claim 5, Holmeide, Henry and Shuey teaches the server of claim 1, but Shuey further teaches comprising: a registration unit operable, when the communication time is less than or equal to the reference value, to register the unregistered terminal apparatus in correspondence with a validity period (Paragraph 43, 44-45); and an extension unit operable to perform extension processing to extend the validity period, wherein the extension unit includes a

Art Unit: 2451

control subunit operable to control the measuring unit to repeat the transmission, the reception, and the measurement, and an extension subunit operable to extend the validity period when the communication time is less than or equal to the reference value (Paragraph 45, 48).

As per claim 6, Holmeide, Henry and Shuey teaches the server of claim 5, but Shuey further teaches wherein in a case of extension processing, the measuring unit uses a reference value that is greater than a reference value of a case of registering the unregistered terminal apparatus (Paragraph 46).

As per claim 7, Holmeide, Henry and Shuey teaches the server of claim 5, but Shuey further teaches the server of claim 5, further including a count unit operable to count a number of performed extensions, wherein as the number of performed extensions increases, the extension subunit lengthens a period of extension (Paragraph 48)

As per claim 8, Holmeide, Henry and Shuey teaches the server of claim 5, but Shuey further teaches the server of claim 5 wherein in a case of extension processing, the measuring unit attaches additional information to the measuring information, the additional information indicating that the measuring information is to be transmitted over a communication route between the server and the registered terminal apparatus with priority over other information (Paragraph 33, 52)

As per claim 9, Holmeide, Henry and Shuey teaches the server of claim 5, but Shuey further teaches the server of claim 5, wherein the extension unit prioritizes performing the extension processing over other processing if a

Art Unit: 2451

remaining duration of the validity period is less than a predetermined reference value (Paragraph 45, 51)

As per claim 10, Holmeide, Henry and Shuey teaches the server of claim 5, but Shuey further teaches the server of claim 5, wherein the server is a computer with an on-board microprocessor (Paragraph 72) but Shuey does not explicitly teach further includes an idle-time detection unit operable to detect idle time when the server is not performing other processing, and the extension unit performs the extension processing during the detected idle time.

Holmeide teaches wherein the server is a computer with an on-board microprocessor (Paragraph 23) further includes an idle-time detection unit operable to detect idle time when the server is not performing other processing (Paragraph 44), and the extension unit performs the extension processing during the detected idle time (Paragraph 44-45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Holmeide's teaching in Henry and Shuey's teaching to come up with detecting idle time when server is not performing processing and performing extension during the idle time. The motivation for doing so would be to decrease processing load during normal processing time, thereby sharing processing load by processing during the idle time.

Claims 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmeide et al. U.S. Patent Publication # 2003/0142696 (hereinafter Holmeide) in view of Henry et al. U.S. Patent # 7,093,030 (hereinafter Henry) in view of Shuey et al. U.S. Patent Publication # 2004/0001008 (hereinafter

**Shuey) further in view of Tanimoto et al. U.S. Patent Publication #
2003/0195947 (hereinafter Tanimoto)**

As per claim 11, Holmeide, Henry and Shuey teaches a terminal apparatus, but Holmeide further teaches for using content and to be registered in a server holding content, comprising: a reception unit operable to receive measuring information from the server (Paragraph 44, 51) of claim 1; a transmission unit operable to transmit response information to the server when the measuring information is received (Paragraph 51, 52)

Holmeide, Henry and Shuey does not explicitly teach a display unit operable to display a message based on status notification information received from the server.

Tanimoto teaches a display unit operable to display a message based on status notification information received from the server (paragraph 34). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Tanimoto's teaching in Holmeide, Henry and Shuey's teaching to come up with displaying a message based on status notification information. The motivation for doing so would be to notify/alert the client of the current state of the processing status, therefore is the client can take action if needed.

As per claim 12, Holmeide, Henry, Shuey and Tanimoto teaches the terminal apparatus of claim 11, but Shuey further teaches wherein if additional information is attached to the measuring information, the additional information indicating that a transmission of information is prioritized over other processing

Art Unit: 2451

on a communication route between the server and the terminal apparatus, the transmission unit attaches the additional information to the response information
(Paragraph 27, 33, 52)

As per claim 13, Holmeide, Henry, Shuey and Tanimoto teaches the terminal apparatus of claim 11, but Shuey further teaches the terminal apparatus of claim 11, further comprising a management unit operable, when the terminal apparatus is registered in the server, to manage a validity period for which the terminal apparatus is registered in the server (Paragraph 52), wherein if a remaining duration of the validity period is less than a preconfigured reference value, and when the measuring information is received, the transmission unit prioritizes transmitting the response information over other processing
(Paragraph 45, 51).

Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmeide et al. U.S. Patent Publication # 2003/0142696 (hereinafter Holmeide) in view of Henry et al. U.S. Patent # 7,093,030 (hereinafter Henry) in view of Tanimoto et al. U.S. Patent Publication # 2003/0195947 (hereinafter Tanimoto)

As per claim 14, Holmeide teaches a device registration system constituted from a server holding content and a terminal apparatus which uses content, the terminal apparatus being registered in the server if communication time between the server and the terminal apparatus is less than or equal to a reference value, wherein the server includes:

Art Unit: 2451

a measuring unit operable to measure the communication time, being a time period from transmitting measuring information to the terminal apparatus until receiving response information from the terminal apparatus (Paragraph 35, 39, 44)

an elapsed-time measuring unit operable to measure an elapsed time from when the measuring unit first begins measuring the communication time (Paragraph 35, 39); and

the terminal apparatus includes: a response unit operable to receive measuring information from the server (Paragraph 44, 51), and transmit response information to the server when the measuring information is received (Paragraph 51, 52); and

Holmeide does not teach repeat the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value; a transmission unit operable to transmit, to the terminal apparatus, status notification information showing a processing status which depends on the elapsed time, and a display unit operable to display a message based on status notification information received from the server.

Henry teaches a measuring unit operable to measure the communication time, being a time period from transmitting measuring information to the terminal apparatus until receiving response information from the terminal apparatus (column 8 lines 58-67)(column 9 lines 1-3) repeat the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value (column 9 lines 3-16)(column 4 lines 51-63);

Art Unit: 2451

an elapsed-time measuring unit operable to measure an elapsed time from when the measuring unit first begins measuring the communication time (column 8 lines 58-67)(column 9 lines 1-3) NOTE: In this case the elapsed time is the timer times out in this state which is registration reply packet within 100ms.

a transmission unit operable to transmit, to the terminal apparatus (column 9 lines 3-16), status notification information showing a processing status (i.e. changing "wait-local-DCHP offer state" or "changes to wait-host-DHCP request state")which depends on the elapsed time (i.e. reset the monitoring counter to zero)(column 9 lines 19-25)(column 10 lines 1-3).

It would have been obvious to one of ordinary skill in the art to implement Henry's teaching in Holmeide's teaching to come up with having repeating the transmission, the reception and the measurement until the measured communication time is less than or equal to the reference value. The motivation for doing so would be to register only certain type of client have meet the minimum communication time/speed, therefore communicating w/ that particular will go smoothly

Alhtough Henry teaches showing status notification, does not explicitly teach a display unit operable to display a message based on status notification information received from the server.

Tanimoto teaches a display unit operable to a display unit operable to display a message based on status notification information received from the server (paragraph 34). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Tanimoto's

teaching in Holmeide, Henry's teaching to come up with displaying a message based on status notification information. The motivation for doing so would be to notify/alert the client of the current state of the processing status, therefore is the client can take action if needed.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmeide et al. U.S. Patent Publication # 2003/0142696 (hereinafter Holmeide) in view of Henry et al. U.S. Patent # 7,093,030 (hereinafter Henry)

As per claim 15, Holmeide teaches a registration method used in a server which registers a terminal apparatus if a communication time between the server and the terminal apparatus is less than or equal to a reference value, comprising the steps of:

measuring, using a measuring unit, the communication time, being a time from transmitting measuring information to the terminal apparatus until receiving response information from the terminal apparatus (Paragraph 35, 39, 44), and

measuring, using an elapsed time measuring unit, an elapsed time from when the measuring unit first begins measuring the communication time; and transmitting to the terminal apparatus (Paragraph 35, 39)

Holmeide does not teach repeating the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value; using a transmitting unit and while the transmission, the reception, and the measurement are being repeated, status information showing a processing status which depends on the elapsed time.

Art Unit: 2451

Henry teaches measuring, using a measuring unit, the communication time, being a time from transmitting measuring information to the terminal apparatus until receiving response information from the terminal apparatus (column 8 lines 58-67)(column 9 lines 1-3); and repeating the transmission, the reception, and the measurement until the measured communication time is less than or equal to the reference value (column 9 lines 3-16)(column 4 lines 51-63)

measuring, using an elapsed time measuring unit, an elapsed time from when the measuring unit first begins measuring the communication time; and transmitting to the terminal apparatus (column 8 lines 66-67)(column 9 lines 1-3);

using a transmitting unit and while the transmission, the reception, and the measurement are being repeated (column 9 lines 3-16), status notification information showing a processing status (i.e. changing "wait-local-DCHP offer state" or "changes to wait-host-DHCP request state") which depends on the elapsed time (i.e. reset the monitoring counter to zero)(column 9 lines 19-25)(column 10 lines 1-3).

It would have been obvious to one of ordinary skill in the art to implement Henry's teaching in Holmeide's teaching to come up with having repeating the transmission, the reception and the measurement until the measured communication time is less than or equal to the reference value. The motivation for doing so would be to register only certain type of client have meet the minimum communication time/speed, therefore communicating w/ that particular will go smoothly.

Art Unit: 2451

As per claims 16, 17, teaches same limitations as claim 15, therefore rejected under same basis.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please refer to PTO-892 Notice of References cited.

3. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairyा A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2451

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/D. A. P./

Examiner, Art Unit 2451

/KAMAL B DIVECHA/

Primary Examiner, Art Unit 2451